

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., et al.	)	Case No. 01-01139 (JKF)
	)	(Jointly Administered)
Debtors.	)	
	)	Re: Docket No. 15421
	)	

**DEBTORS' EMERGENCY MOTION FOR TIME TO FILE  
RESPONSE TO SPEIGHTS' MOTION TO SUPPLEMENT RECORD**

The Debtors respectfully request until and including Friday, July 13, 2007, to file their response to Speights & Runyan's July 2, 2007, Motion to Supplement Record regarding its Motion to Alter or Amend the Court's Order and Memorandum Opinion Disallowing and Expunging 71 Claims (the "Motion to Supplement"). The Motion to Supplement was filed 14 days after the deadline for filing timely motions for the July 23, 2007 Omnibus Hearing and to permit the Debtors only three (3) working days to respond is simply unreasonable. In support of this motion (the "Motion"), the Debtors respectfully represent as follows:

1. On April 17, 2007, this Court entered an Order [Docket No. 15210] and Memorandum Opinion [Docket No. 15209] disallowing and expunging 71 Asbestos PD claims filed by Speights & Runyan.

2. On April 27, 2007, Speights & Runyan ("Speights") filed a Motion to Alter or Amend the Court's Order and Memorandum Opinion Disallowing and Expunging 71 Claims ("Motion to Alter or Amend") [ Docket No. 15421]. The hearing on the Motion to Alter or Amend occurred on June 25, 2007.

3. During the June 25, 2007, hearing, this Court heard arguments and ultimately continued the hearing until July 23, 2007, so that it would have the opportunity to review the existing underlying record. The Court did not make any reference to or grant counsel leave to

supplement the record and specifically stated that “[i]f I think I need some evidentiary submission I’ll address it at [the July omnibus hearing].” *See* June 25, 2007 Hearing Transcript, p. 111, lines 8-9.

4. On June 29, 2007, in a telephonic hearing on another matter, Speights indicated that it was going to file the Motion to Supplement. The Court indicated that the matter would be addressed at the July 23, 2007 Omnibus Hearing. No date was set by the Court for a response to the Motion to Supplement.

5. On July 2, 2007, Speights filed the Motion to Supplement for the purposes of submitting an affidavit regarding matters addressed in the Motion to Alter and Amend. The corresponding Notice of the Motion to Supplement states that any objections to the Motion to Supplement shall be filed and served by July 6, 2007, the regular objection deadline for matters set to be heard on July 23, 2007, “per order establishing omnibus hearing dates.” The Debtors did not receive the Motion to Supplement until July 3, 2007.

6. The Debtors respectfully submits that three (3) calendar days, which includes a July 4th holiday, is insufficient time to respond, especially in light of the following circumstances:

- (a) The July 6, 2007 deadline, is the response deadline for motions properly set for hearing on the July 23, 2007 docket. Pursuant to this Court’s Amended Order Scheduling Omnibus Hearing Dates for 2007 (the “Scheduling Order”) [Docket No. 14068], any motion scheduled to be heard on the July 23, 2007 docket, must be filed on or before June 18, 2007. Therefore, if the Motion to Supplement is considered to be a new motion separate from the Motion to Alter and Amend, the Motion to Supplement, which was filed on July 2, 2007, cannot be set for hearing for July 23, 2007, because the deadline for filing any such motion passed over two weeks ago.
- (b) If the Motion to Supplement is considered to be a part of the Motion to Alter and Amend, the case management order in these cases, dated December 14, 2006 [Docket No. 14028], would allow the Debtors up to seven (7) days prior to the scheduled omnibus hearing date to file a motion for leave to file a reply

memorandum - in this instant, July 13, 2007, and thus, the July 6, 2007 objection deadline is not applicable.

- (c) The attorneys responsible for responding to the Motion to Supplement have been heavily engaged in preparing for a hearing with Speights on his Anderson Memorial matters, occurring today, July 5, 2007. Given the Motion to Supplement was only received on Tuesday, July 3, Wednesday, July 4, was a holiday, and the attorneys had to travel to Pittsburgh, Pennsylvania for the hearing, the Debtors have had no time to prepare a response. Thus, the Debtors respectfully submit that a brief extension of time, if applicable, is warranted to allow their attorneys to make a clear and effective presentation to this Court.

7. Given the above circumstances, two (2) days is simply not sufficient time for the Debtors to fully respond to the issues raised by Speights in its Motion to Supplement.

WHEREFORE, the Debtors respectfully request that this Court grant this Motion and allow the Debtors until and including July 13, 2007, to file their response to Speights' Motion to Supplement.

Dated: July 5, 2007

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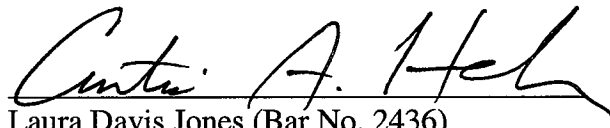
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A handwritten signature in black ink, appearing to read "Curtis A. Hehn", is written over a horizontal line.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., et al.	)	Case No. 01-01139 (JKF)
	)	(Jointly Administered)
Debtors.	)	
	)	

**ORDER GRANTING DEBTORS' EMERGENCY MOTION  
FOR TIME TO FILE RESPONSE TO SPEIGHTS'  
MOTION TO SUPPLEMENT RECORD**

This matter, coming before the Court on the Debtors' Emergency Motion for Time to File Response to Speight' Motion to Supplement Record (the "Motion")<sup>1</sup>; the Court having reviewed the Motion; the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (c) notice of the Motion was adequate under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED; and
2. The Debtors are given until and including Friday, July 13, 2007, to file their response to the Motion to Supplement.

Dated: July \_\_, 2007

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The Honorable Judith K. Fitzgerald  
United States Bankruptcy Judge

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<sup>1</sup> Capitalized terms used herein have the meanings ascribed to them in the Motion.